

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GILBERT JAMES,

Plaintiff,

v.

CIVIL ACTION NO: 3:11cv221

**ENCORE CAPITAL GROUP, INC.,
MIDLAND FUNDING, LLC and
MIDLAND CREDIT MANAGEMENT, INC.**

Defendants.

CONSENT MOTION FOR AN EXTENSION OF TIME

COMES NOW the Plaintiff, by counsel, with the agreement and consent of Defendants and hereby moves the Court to for an extension of time to re-file Plaintiff's Motion to Overrule Defendants' Privilege Objections and to Compel Discovery Responses and Unobstructed Witness Testimony, and to enlarge Defendants' Response time and Plaintiff's Reply time for the reasons that follow.

Plaintiff's lead counsel, Leonard Bennett, has suffered a physical injury to his back that has escalated to the point where counsel must undergo surgery, which is scheduled for Monday, February 13, 2012. Counsel is advised by his physician that recovery time can be one to two weeks. The time in which to re-file Plaintiff's motion has already been extended by agreement of the parties and ordered by the court this day. (Docket # 139). The nature and extent of the injury has prevented counsel from completing the brief for today's agreed deadline. Defendants have agreed to extend the deadline for an additional two weeks, with proportional extensions for Defendants' Response and Plaintiff's Reply.

Plaintiff has requested, and Defendants have agreed, to allow Plaintiff to re-file his

Motion to Overrule Defendants' Privilege Objections and to Compel Discovery Responses and Unobstructed Witness Testimony on February 22, 2012, with a reciprocal enlargement of Defendant's Response date to March 7, 2012, and Plaintiff's Reply on March 14, 2012.

The motion is by consent and not made for a dilatory purpose. For good cause shown, the Plaintiff respectfully requests that the court grant the motion to extend the time in which the Plaintiff may re-file his Motion to Overrule Defendants' Privilege Objections and to Compel Discovery Responses and Unobstructed Witness Testimony for two weeks from February 8, 2012, to February 22, 2012, and to extend the time in which the Defendants may respond from February 22, 2012, to March 7, 2012, and to extend the time for Plaintiff's Reply from February 29, 2012, to March 14, 2012.

Respectfully submitted,

GILBERT JAMES,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February, 2012, I will file the foregoing motion electronically using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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